



The 2011 Legislators' Guide to Medical Cannabis

A Comprehensive Guide to Understanding Medical Cannabis in the State of Montana

House Bill 161--A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE MEDICAL MARIJUANA ACT; AMENDING SECTIONS 37-1-136, 45-9-101, 45-9-102, 45-9-103, 45-9-110, 45-9-127, 45-10-103, AND 45-10-107, MCA; REPEALING SECTIONS 50-46-101, 50-46-102, 50-46-103, 50-46-201, 50-46-202, 50-46-205, 50-46-206, 50-46-207, AND 50-46-210, MCA; AND PROVIDING AN EFFECTIVE DATE."

This document is provided to the members of the House Human Services Committee. *The 2011 Legislators' Guide to Medical Cannabis* contains recommendations and solutions to the major issues surrounding the current Montana Medical Marijuana Act and was designed to serve as an informative resource for the Legislature when considering its reform.

The Montana Medical Growers Association is fundamentally opposed to HB161. While there are admittedly issues arising from the current law, the repeal of the Montana Medical Marijuana Act is not the solution. Reform, in cooperation with law enforcement and the legal, ethical, responsible caregivers of the State, is the only means to an answer which is mutually beneficial to the patients who experience a greater quality of life through the use of medical cannabis.

As of December 31, 2010 there were more than 27,000 Montanans licensed to utilize medical cannabis as an alternative treatment method.

Based on numbers gathered by the Department of Public Health and Human Services, the following represents the distribution of patients and correlating qualifying conditions:

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|--|-------|
| Cachexia or Wasting Syndrome | 659 |
| Cancer, Glaucoma or HIV (AIDS) | 769 |
| Multiple Sclerosis | 26 |
| Seizures | 233 |
| Severe Nausea | 452 |
| Severe Seizures and/or Nausea and/or Muscle Spasms | 59 |
| Severe or Chronic Pain | 20084 |
| Severe or Chronic Pain & Muscle Spasms | 3452 |
| Severe or Chronic Pain & Nausea | 1218 |
| Severe or Chronic Pain & Seizures | 191 |
| Severe or Chronic Pain, Nausea & Muscle Spasms | 503 |
| Severe or Persistent Muscle Spasms | 504 |

These patients would be labeled as criminals with the passage of HB161.

According to the Montana Department of Public Health and Human Services, there were 4,807 licensed caregivers registered as of December 31, 2010.

Caregiver and Patient Distribution

Caregivers with 0 to 100 patients

In increments of: 10

| | |
|------|--|
| 2444 | Caregivers with 1 Patient |
| 695 | Caregivers with 2 Patients |
| 373 | Caregivers with 3 Patients |
| 233 | Caregivers with 4 Patients |
| 172 | Caregivers with 5 Patients |
| 117 | Caregivers with 6 Patients |
| 89 | Caregivers with 7 Patients |
| 86 | Caregivers with 8 Patients |
| 65 | Caregivers with 9 Patients |
| 56 | Caregivers with 10 Patients |
| 239 | Caregivers with 11 to 20 Patients |
| 92 | Caregivers with 21 to 30 Patients |
| 42 | Caregivers with 31 to 40 Patients |
| 26 | Caregivers with 41 to 50 Patients |
| 16 | Caregivers with 51 to 60 Patients |
| 11 | Caregivers with 61 to 70 Patients |
| 6 | Caregivers with 71 to 80 Patients |
| 8 | Caregivers with 81 to 90 Patients |
| 4 | Caregivers with 91 to 100 Patients |
| 33 | Caregivers with more than 100 Patients |

These individuals would be labeled as criminals with the passage of HB161.

When Initiative 148 permitting the use of medical cannabis for patients was passed with a 62% vote, no one anticipated the rapid growth of the patient count in the State. There were a number of reasons for this growth, some positive and others extremely negative. There have also been some very positive, albeit unintended, consequences. The foremost being the professional industry that has begun to evolve involving medical cannabis, the jobs it has created taxes that have been paid to the State and the professionalism and use of accepted business practices are utilized by the majority of Caregiver operations. An initial Economic Impact Study has been completed on how the medical cannabis industry has impacted the Montana economy, specifically the creation of approximately 1,400 new jobs.

There has also been a great deal of confusion regarding the issue of medical cannabis. This is due in part, to the actions of a very few self-interested individuals that have continually been the source of negative media attention toward this new industry. It is extremely unfortunate that those who have acted solely for their own economic and selfish interests continue to cast a dark shadow on those patients and others who act responsibly, legally, ethically, and morally. Those who refuse to acknowledge the direction of the State Board of Medical Examiners do not represent the patients, caregivers, or in fact anyone in the Montana medical cannabis industry other than themselves. Additional confusion has resulted from significant misinformation, rumors and falsehoods that have been espoused by some. There are always, at best, two sides to an issue.

While there is general agreement that cannabis should be considered a medical alternative, it is also clear that additional guidelines and regulations are imperative. However, there is no consensus within the medical cannabis industry on solutions for all of the issues, although the general direction of appropriate regulation is fully supported by the legitimate medical cannabis community.

Outright repeal is **NOT** the answer. The current law requires additional consideration. It is NOT broken beyond repair. With careful thought, an acceptable compromise can be found. Recommendations have been made in ***The 2011 Legislators' Guide*** that establish appropriate and necessary side boards and address the issues requiring significant modification in the law.